

ORIGINAL

1 Russell Robinson (163937)  
Law Office of Russell A. Robinson  
2 345 Grove Street, Level One  
San Francisco CA 94102  
3 Telephone: (415) 255-0462  
Facsimile: (415) 431-4526  
4

Attorneys for Plaintiff  
5 OLEWASAMI BROWN

6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 OLEWASAMI BROWN , ) No. C-03-1141-THE  
11 )  
Plaintiff, ) STIPULATION REGARDING  
12 ) DISMISSAL OF CERTAIN NAMED  
v. ) DEFENDANTS, WITHOUT PREJUDICE;  
13 ) ~~Proposed~~ ORDER THEREON  
CITY OF OAKLAND; et al., ) [Jury Trial Demanded]  
14 )  
Defendants. ) Trial: June 19, 2006  
15 )

16 THE PARTIES, THROUGH COUNSEL OF RECORD, STIPULATE AS FOLLOWS:  
17

18 **A. Defendants Romano and Nardil of the California Highway Patrol.**

19 Defendants Frank Romano and Joseph Nardil were employed by the California Highway  
20 Patrol on March 16, 2001. They were asked to participate in stopping the plaintiff, Olewasami  
21 Brown, on March 16, 2001, and were given a copy of a warrant by members of the Oakland  
22 Police Department, including Defendant John Gutierrez.

23 At all times relevant to this action, Defendants Romano and Nardil were acting in the  
24 course and scope of their employment with the California Highway Patrol and did in fact rely  
25

26 STIPULATION REGARDING DISMISSAL OF CERTAIN  
NAMED DEFENDANTS, WITHOUT PREJUDICE  
Brown. v. City of Oakland, et al. (No. C-03-1141-THE)

- 1 -

03-0002P030

1 upon the representations about Olewasami Brown made to them by members of the Oakland  
2 Police Department, including Defendant John Gutierrez.

3 In effecting a stop of Brown on March 16, 2001, and in participating in searches of  
4 Brown and certain property on March 16, 2001, Defendants Romano and Nardil assumed the  
5 validity of, and relied upon, the warrant given to them by members of the Oakland Police  
6 Department, including Defendant John Gutierrez, and Defendants Romano and Nardil assumed  
7 the truthfulness of, and relied upon, the information given them by members of the Oakland  
8 Police Department, including Defendant John Gutierrez.

9 The various defendants in this action, specifically members of the Oakland Police  
10 Department and Defendant John Gutierrez, have not filed cross or counter-complaints against  
11 Defendants Romano and Nardil.

12 Therefore, the parties hereby agree as follows:

13 Defendants Romano and Nardil be dismissed without prejudice immediately.

14 Defendants Romano and Nardil shall appear at trial to testify as witnesses at mutually  
15 convenient times to be arranged through counsel of record in advance of the June 19, 2006, trial.

16 This agreement shall be deemed to be a good faith settlement pursuant to California Code  
17 of Civil Procedure section 877.6, and shall be interpreted as a good faith settlement pursuant to  
18 California Code of Civil Procedure section 877.6, and other relevant provisions of law.

19 **B. Defendant Richard Word.**

20 The City of Oakland has not produced any evidence which would tend to show that, as  
21 related to Plaintiff Olewasami Brown, former Chief of Police Richard Word was personally  
22 involved in the alleged "surveillance", alleged warrant attainment, alleged stop, alleged unlawful  
23 arrest, alleged excessive force, or other alleged acts/failures to act. Further, Richard Word is no  
24 longer employed by the City of Oakland.

25

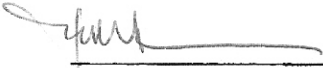
26

1 Therefore, the parties hereto stipulate that said defendant be hereby dismissed without  
2 prejudice.

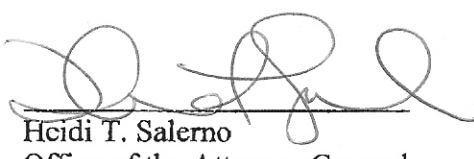
3 **C. Request.**

4 The parties therefore request that Defendants Romano, Nardil, and Word hereby be  
5 dismissed, under the terms above, each side to bear its own costs and fees.

6  
7 Date: 13 Feb 2006

  
Law Office of Russell A. Robinson  
Attorneys for Plaintiff  
OLEWASAMI BROWN

8  
9  
10  
11 Date: \_\_\_\_\_

  
Heidi T. Salerno  
Office of the Attorney General  
State of California  
Attorneys for Defendants  
FRANK ROMANO and JOSEPH NARDIL

12  
13  
14  
15  
16 Date: \_\_\_\_\_

\_\_\_\_\_  
Gregory M. Fox  
Bertrand, Fox & Elliot  
Attorneys for Defendants  
CITY OF OAKLAND, RICHARD WORD, et al.

17  
18  
19 **ORDER**

20 Based on the above, and good cause appearing,

21 The Court hereby orders as follows:

22 Defendants Frank Romano, Joseph Nardil, and Richard Word are hereby dismissed  
23 without prejudice, each side to bear its own costs and fees.

24  
25  
26 STIPULATION REGARDING DISMISSAL OF CERTAIN  
NAMED DEFENDANTS, WITHOUT PREJUDICE  
Brown. v. City of Oakland, et al. (No. C-03-1141-THE)

1 Therefore, the parties hereto stipulate that said defendant be hereby dismissed without  
2 prejudice.

3 **C. Request.**

4 The parties therefore request that Defendants Romano, Nardil, and Word hereby be  
5 dismissed, under the terms above, each side to bear its own costs and fees.

6  
7 Date: \_\_\_\_\_

\_\_\_\_\_  
Law Office of Russell A. Robinson  
Attorneys for Plaintiff  
OLEWASAMI BROWN

8  
9  
10  
11 Date: \_\_\_\_\_

\_\_\_\_\_  
Heidi T. Salerno  
Office of the Attorney General  
State of California  
Attorneys for Defendants  
FRANK ROMANO and JOSEPH NARDIL

12  
13  
14  
15  
16 Date: Feb 14 2006

\_\_\_\_\_  
Gregory M. Fox  
Bertrand, Fox & Elliot  
Attorneys for Defendants  
CITY OF OAKLAND, RICHARD WORD, et al.

17  
18  
19 **ORDER**

20 Based on the above, and good cause appearing,

21 The Court hereby orders as follows:

22 Defendants Frank Romano, Joseph Nardil, and Richard Word are hereby dismissed  
23 without prejudice, each side to bear its own costs and fees.

24  
25  
26 STIPULATION REGARDING DISMISSAL OF CERTAIN  
NAMED DEFENDANTS, WITHOUT PREJUDICE  
*Brown. v. City of Oakland, et al. (No. C-03-1141-THE)*

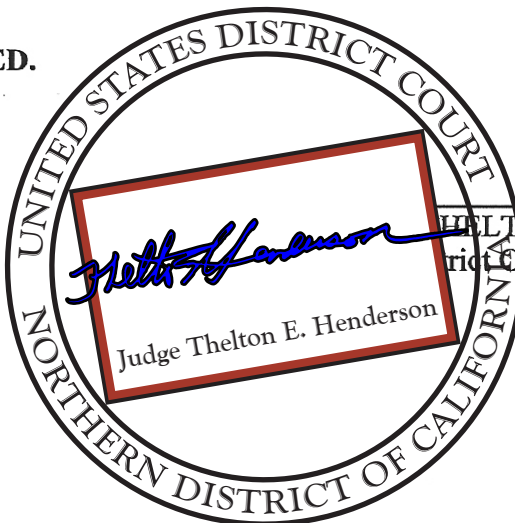


1 Defendants Romano and Nardil shall appear at trial to testify as witnesses at mutually  
2 convenient times to be arranged through counsel of record in advance of the June 19, 2006, trial.

3 ~~This settlement and dismissal shall be deemed to be a good faith settlement pursuant to~~  
4 ~~California Code of Civil Procedure section 877.6, and shall be interpreted as a good faith~~  
5 ~~settlement pursuant to California Code of Civil Procedure section 877.6, and other relevant~~  
6 ~~provisions of law.~~

7 **IT IS SO ORDERED.**

8  
9 Date: 03/01/06



10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
THELTON E. HENDERSON  
District Court, N.Dist. of California